FAO No.453 of 2006.

8.1.2007. Present: Mr. Sanjeev Kuthiala, Advocate, for the appellants.

After hearing Mr. Kuthiala, learned counsel appearing for the appellants and on going through the impugned judgment dated 30th October, 2006, I feel convinced that the learned Court below has rightly taken recourse to the remanding of the matter to the learned trial Court for re-trial of the suit in the light of the observations made in the impugned judgment as well as the directions contained therein, particularly as these relate to and arise out of the order passed on the application for leading additional evidence in terms of Order 41 Rule 27 of the Code of Civil Procedure and also based upon framing of additional Issue No.1A because undoubtedly the respondent-plaintiff did not lead evidence which was in her possession at the relevant time in support of her plea of being the wife of late Hans Raj and hence the daughter-in-law of Bhilo. No interference is called for. The appeal is dismissed.

CMP No.1407 of 2006.

In view of the dismissal of the appeal, this application shall stand dismissed.

8th January, 2007. (V.K. Gupta), C.J.
(tr)